

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>Criminal No. 16-30 Erie</b>
	:	
<b>RICK WEAVER BUICK GMC, INC.</b>	:	
<b>ADAM JAMES WEAVER</b>	:	
<b>DOUGLAS ALAN GROOMS</b>	:	
<b>ADAM BRAYTON COOVER</b>	:	

**RESPONSE OF DEFENDANT, ADAM JAMES WEAVER, TO  
GOVERNMENT’S MOTION IN LIMINE REGARDING  
PENALTIES AND POSSIBLE SENTENCE  
AND MEMORANDUM IN SUPPORT**

**AND NOW**, comes the Defendant, ADAM JAMES WEAVER, by and through his counsel, DAVID G. RIDGE, ESQUIRE, and files the following Response to Government’s Motion In Limine Regarding Penalties and Possible Sentence and Memorandum in Support, stating as follows:

**I. PENALTIES**

1. The Government has requested an Order which would preclude the defense from referring “either directly or indirectly to the potential penalties, statutory maximums, or possible sentencing range upon conviction in the presence of the jury.”

2. The defendant objects to the request.

3. It is anticipated that the Government may call at least one co-defendant to testify against the defendant. If that were to occur, effective cross-examination as to that individual’s possible sentences, Guideline ranges, possible fines, Guidelines fines or other sanctions would be impossible with the total prohibition from referring to penalties and possible sentence sought by the Government.

4. Therefore, the Motion should be denied.

## **II. MEMORANDUM IN SUPPORT**

5. If the defendant were to call a cooperating witness, whether it be a co-defendant or any other individual who would be facing charges in state and federal court, or who has a pending charge in state or federal court, the Confrontation Clause allows the defense to cross-examine that Government witness regarding any type of "deal" they may have made, officially or unofficially with the Government. That would include agreements and/or understandings as to the possibility of lesser sentences, less serious legal consequences, reduced fines and/or possible decreased periods of incarceration and/or supervision. All of that information would serve as a proper and necessary basis for cross-examination of that type of witness. It is axiomatic that a motive for a witness' testimony is a proper consideration for the jury. The fact that a cooperating co-defendant's possible sentences and Guideline ranges could be similar to the defendant's, does not serve as an appropriate basis to restrict any discussion, examination or argument as to the penalties and possible sentences.

The defense would not explicitly state what penalty or sentence this defendant would be facing if convicted. Moreover, a Jury Instruction states that a jury is not to consider possible penalties. Therefore, no further limitation is necessary.

Respectfully submitted,

**THE RIDGE LAW OFFICE**

BY: s/David G. Ridge, Esquire  
David G. Ridge, Esquire  
246 West Tenth Street  
Erie, Pennsylvania 16501  
(814) 454-1010

Attorney for the Defendant, Adam Weaver

Response re Penalties

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**Criminal No. 16-30 Erie**

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Response of Defendant, Adam Weaver, to Government's Motion in Limine Regarding Penalties and Possible Sentences and Memorandum in Support was served this date via email upon the following individuals, in accordance with Rules of this Court:

Christian A. Trabold, Esquire  
Office of the U.S. Attorney  
17 South Park Row, Room A330  
Erie, Pennsylvania 16501  
[christian.a.trabold@usdoj.gov](mailto:christian.a.trabold@usdoj.gov)

Michael A. Agresti, Esquire  
Marsh Spaeder, et al.  
300 State St., Suite 300  
Erie, Pennsylvania 16507  
[magresti@marshspaeder.com](mailto:magresti@marshspaeder.com)

W. Penn Hackney, Esquire  
Office of the Federal Public Defender  
1450 Liberty Center  
1001 Liberty Avenue  
Pittsburgh, Pennsylvania 15222-3714  
[penn\\_hackney@fd.org](mailto:penn_hackney@fd.org)

Douglas Sughrue, Esquire  
428 Forbes Ave., Suite 2400  
Pittsburgh, Pennsylvania 15219  
[dsughrue@sughruelaw.com](mailto:dsughrue@sughruelaw.com)

### **THE RIDGE LAW OFFICE**

By:           s/David G. Ridge, Esquire            
David G. Ridge, Esquire  
246 West Tenth Street  
Erie, PA 16501  
(814) 454-1010

Attorney for Defendant, Adam Weaver

Dated: September 28, 2017